IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO 577/04

IN

SUIT NO.3613/04

M/s Candes & Kunder construction

& Anr .... plffs

Vs.

Dr.Mrs. Celine Desa & Ors. ... defts.

AND

Satyendra Kumar Goyal ...respdts.

Advocate D.H.Mehta with D.M.Shah for plff.

Advocate R. Narula with P.Das Gupta instructed by Jhangiani Narula& Associate for deft 1 and 4 to 7.

Advocate H.S.S. Murthy for deft no.2.

Adv R.D'souza for deft no.3.

CORAM; S.U.KAMDAR,J.

DATE: 3/5/05

P.C.:

1. By consent of parties the chamber summons is

forthwith taken up for final hearing and called out.

2. Deft Nos. 1 and 4,5,6 and 7 in the chamber summons makes statement that they proceed on the basis of denial of various allegations made in affidavit in support of the chamber summons.

3. So far as prayer clause (a) of the chamber summons is concerned, advocate Mishra appearing for respondents makes a statement that his client is claiming no right title and interest of any nature whatsoever in respect of the suit property and thus not concerned with the same. In view thereof prayer clause (a)does not survive.

4. In so far as prayer clause (b) is concerned, none of the parties to the present proceedings are opposing the amendment which are proposed in the schedule to the Chamber summons. In view thereof chamber summons is made absolute in so far as prayer clause (b) is concerned. The remaining prayers are pending the hearing and final disposal of the chamber summons. In view of the fact that chamber summons

itself is disposed off, the question of granting any orders in terms of remaining prayers does not arise. Chamber summons disposed of accordingly. No order as to costs.

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